



COMMITTEE of the WHOLE

CITY COUNCIL

Minutes

Saturday, March 3, 2012

9 Am

Penn Room

Councilors Attending: F. Acosta, D. Reed, R. Corcoran, S. Marmarou, J. Waltman, M. Goodman-Hinnershitz, D. Sterner

Others Attending: L. Kelleher, D. D'Auria, R. Natale

Mr. Acosta called the session to order at approximately 9:04 am. He stated that Mr. Spencer is out of town today. Mr. Acosta stated that the minutes of this session can be shared with Mr. Spencer so he will be aware of what issues were discussed and the outcomes.

Quality of Life Ticketing Program

Mr. Sterner suggested that the group reconsider issuing a warning before a ticket in some instances.

Ms. Goodman-Hinnershitz suggested that Council consider the various levels of each infraction and then applying enforcement consistently.

Mr. Marmarou stated that the program is based on a common sense approach and he agreed with the suggestion for consistent enforcement.

Ms. Goodman-Hinnershitz suggested that the Property Maintenance personnel are in a dilemma as they are required to enforce all regulations. She suggested considering the violations in tiers based on safety.

Mr. Natale stated that this program is one year old and that warnings, not tickets, were issued the first 30-60 days of the program. Also during this time period newspaper articles were printed about the program and leaflets were distributed inside the water bills. He also noted that additional education was provided when the warning period concluded. He also described how the Division tracks and plans sweeps on a City-wide basis.

Mr. Natale stated that he or PM Supervisor Craze holds appeal meetings with property owners who object to the ticket and photographic evidence is used to support the ticket. He stated that the meetings are fair and approximately 42% of the appeals are granted and the fine is refunded.

Mr. Natale expressed the belief that the program has uplifted various neighborhoods.

Mr. Sterner suggested changing the process to require payment of the fine only if the appeal is denied. Mr. Natale stated that that approach could be problematic as people may refuse to pay if they are not satisfied with the outcome of the appeal meeting.

Ms. Reed noted the difficulty residents living in the outlying more suburban-like areas have about why their neighborhoods are included as the majority of these properties are maintained nicely when compared to inner-city neighborhoods. She suggested the use of a triaged approach with extra effort in stressed areas.

Mr. Waltman stated that he did not support the ticketing program as he believes it should be one component of a larger comprehensive strategy. He expressed the belief that the program has created a small level of compliance but has irritated the general population.

Mr. Waltman suggested instead a community relations approach that begins with rating all properties, provides outreach and assistance for owners who are without the resources to maintain their properties and enforcing regulations for those who refuse to comply.

Ms. Goodman-Hinnershitz suggested an approach similar to that used to enforce tobacco regulations. She stated that the first tier would provide education, the second tier evaluated who was and was not in compliance with the regulations, the third tier would provide enforcement in areas with chronic problems and the fourth tier would bring heavy enforcement to those who refuse to comply.

Mr. Waltman suggested increasing the fines associated with the citation process. Ms. Kelleher reminded the group that several years ago Council steeply increased the property maintenance fines. However, the MDJs refused to find people guilty due to the high amount of the fine and requested a scaled back model. However, the reduction of the fines has not changed their behavior.

Ms. Goodman-Hinnershitz questioned requiring the payment of the ticket after the appeal process is concluded. Mr. Marmarou stated that citizens appealing tickets to the MDJs must pay the fine prior to the hearing. Mr. Acosta stated that eliminating pre-payment may increase the number of appeal hearings requested.

Mr. Natale expressed the belief that the complaints about the ticketing program are isolated. He stated that the landlords who have complained are those who are over extended or who have problems managing their properties.

Mr. Marmarou stated that a presentation about the ticketing program was made to the College Heights Community Council and the program received support. Ms. Reed stated that the District 5 community group had a mixed reaction to the presentation. Ms. Goodman-Hinnershitz stated that District 2 had a positive reaction to the program. Mr. Waltman stated that District 6 residents were not supportive of the program.

Mr. Waltman suggested that a concentrated approach on the biggest offenders rather than a City-wide approach.

Mr. Acosta noted the difficulties for people who do not have outdoor pathways between the front and the rear areas of the property. He agreed with the need to apply enforcement effort in stressed areas. Mr. Sterner stated that these residents without outdoor access will need to transport the trash and recycling through the house.

There was a discussion on front vs. rear trash collection. Mr. Waltman noted that rear trash collection would prevent unsightly trash on sidewalks. Mr. Marmarou stated that the large compactor trucks would not fit down most alleyways. He also recalled the

increased cost for rear vs. front trash collection. Mr. Natale noted that as the City's trash collection contract recently started, a change in the collection method would not be possible at this time.

There was a discussion on the need for Codes to focus on cleanliness of the streetscape. Mr. Acosta suggested applying a targeted approach to Codes enforcement. Ms. Reed suggested using the Problem Solving model used by the Police Department as it applies resources when need arises.

Ms. Goodman-Hinnershitz expressed the belief that there is more street litter because more disposable products such as plastic beverage bottles and wrappers are more widely available due to the increase in neighborhood stores.

Mr. Sterner stated that he agrees that trash and recycling bins should be stored out of public view.

Ms. D'Auria suggested allowing storage within the public view if screening materials such as fencing or shrubbery is used.

The annual QoL Ticketing report was distributed and reviewed. Mr. Sterner noted that the majority of the tickets were trash and container storage related.

Mr. Waltman left the meeting due to another engagement.

Ms. Goodman-Hinnershitz stated that the City needs to improve the maintenance of City-owned properties. As an example she noted the litter and uncut weeds on the Lindburg Viaduct. She questioned how a small borough like Mt. Penn can perform maintenance better than the City. Mr. Acosta noted the lack of manpower in Public Works contributes to this situation. He also noted the unkempt appearance of the City's gateways.

Mr. Corcoran stated that landlords are beginning to improve leases by adding language that allows eviction for failure to pay a QoL ticket or obtaining a DCR. He questioned if the ticket could be issued to the tenant rather than the property owner. Mr. Natale stated that the ticket must be issued to the property owner; however, the property owner can make the tenant pay. He stated that he has changed the ticket form to show that the ticket was issued due to the tenant's behavior.

Mr. Sterner inquired about the length between the appeal request and the actual meeting. Mr. Natale stated that the meetings are usually scheduled within 30-45 days of the request. Mr. Natale stated that he is working with IT to develop an application that would allow property owners to view the photos that support the ticket online so appeals can be conducted via telephone.

Mr. Sterner expressed his support of the QoL program, noting its effectiveness.

Mr. Acosta described his experience following a Municipal Aide, watching as he noticed a violation and knocked on the door of the property to speak with the person who answered the door. He stated that after the conversation with the person who answered the door the Municipal Aide left without issuing a ticket due to his satisfaction with the conversation.

Ms. Goodman-Hinnershitz again suggested requiring payment of the ticket after the appeal process. Mr. Sterner and Mr. Acosta suggested adding an appeal fee to the price of the ticket.

Mr. Acosta and Mr. Sterner also suggested creating a neutral citizen panel to hear appeals, rather than the Codes Manager or Supervisor. Ms. Goodman-Hinnershitz stated that a similar approach is used by the County Juvenile Probation Office.

Mr. Corcoran inquired if rental permits and other forms could be submitted online rather than via paper. Ms. Kelleher stated that that approach is used by other cities and it could be used here, along with online payment.

The draft amendment of the appeal process was distributed. Mr. Natale explained that the current ordinance does not say outright that further appeals are available through the Court of Common Pleas; however, the Local Agency Act provides that option. This amendment will provide that statement. He also asked Council to support Bill No. 8-2012 which has been tabled. He described the various programs and projects Codes has underway.

Mr. Acosta noted the need to consider additional manpower in Codes.

Mr. Acosta suggested that Councilors go on "ride-alongs" with Codes staff. He noted that the Mayor recently went out on a QoL sweep. Mr. Natale stated that the Mayor has

not yet been able to go out for a sweep. He asked Councilors to let him know when they are available.

Mr. Acosta stated that this discussion provides the following Council opinion:

1. The need to consider additional Codes personnel in the 2013 budget if the Division's revenue is sufficient
2. Creating a neutral, citizen appeals panel
3. Improving maintenance of City owned properties and areas
4. Adjustment to the appeal process and cost

Policy Book

Mr. Acosta noted the need to provide language to cover the appointment process to fill the vacated seat of the Mayor or Council President.

Ms. Kelleher stated that this process is not set out so the body of Council can decide to appoint from within or decide to invite outside applicants.

There was a discussion on the PFM email regarding the search for a candidate to fill the Administrative Services Director and the Managing Director positions. Members of Council were pleased with the approach PFM is taking to seek out the best candidates in a neutral fashion.

Council suggested discussing the positions desired by the Mayor with PFM. Mr. Acosta stated that the conversation can begin at the Act 47 meeting this Thursday afternoon.

Mr. Acosta inquired about the ability of the Mayor to name a temporary Managing Director. Ms. Kelleher stated that Mr. Younger and the Charter Board have opined that the Mayor cannot name a temporary Managing Director for a 90 day period, after March 15th, the date of Mr. Geffken's resignation. The Charter states:

Section 403. Vacancy.

(a) If the position of Managing Director becomes vacant at any time, the provisions of Section 401 shall apply to the hiring of a replacement.

Section 401. Appointment; Qualification; Compensation.

(a) Within ninety (90) days of taking office, the Mayor, with the approval of City Council, shall appoint a Managing Director for an indefinite term, subject to at least a biennial review, and fix the Managing Director's compensation. The Managing Director need not be a resident of the City at the time

of appointment, but after appointment shall reside in the City. The Managing Director shall establish such City residency within twelve (12) months of being appointed.

(d) In the event that the position of Managing Director cannot be filled by the Mayor, the Mayor may appoint a Temporary Managing Director for a period of time not to exceed ninety (90) days. During this period of time, the Mayor shall continue to use all available means to fill the position.

Mr. Marmarou noted that people have reacted badly to the combination of the City and County real estate tax and questioned their ability to pay the combined bill. Ms. Kelleher noted that before the bills were combined, the bills were mailed during the same month so there is little difference between getting one piece of mail rather than two.

Mr. Marmarou stated that people may have “sticker shock” when seeing the total combined amount. He inquired if the County Treasurer has explored the use of a payment plan. He also inquired about the new due date. Ms. Kelleher stated that when the City mailed its own property tax bills, the bill was due in September; however, the County does not require payment until the end of the calendar year.

Ms. Kelleher was asked to find out if the County Treasurer has considered a payment plan and how the City’s portion is remitted when a partial payment is made.

Council went into Executive Session to discuss personnel matters to discuss personnel matters at approximately 11:25 pm. He cited Sunshine Act Section 708 (a) (1) “To discuss any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the agency or former public officer or employee, provided, however, that the individual employees or appointees whose rights could be adversely affected may request, in writing, that the matter or matters be discussed at an open meeting. The agency’s decision to discuss such matters in executive session shall not serve to adversely affect the due process rights granted by law, including those granted by Title 2 of the Pennsylvania Consolidated Statutes (related to administrative law and procedure). The provisions of this paragraph shall not apply to any meeting involving the appointment or selection of any person to fill a vacancy in any elected office.”

Council exited Executive Session and adjourned at approximately 12:05 pm.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk